## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

**CIVIL NO. 1:05CV55** 

TERRY ALVIN HYATT,	)
Petitioner,	) )
Vs.	) ) <u>ORDER</u> \
MARVIN POLK, Central Prison, Raleigh, North Carolina,	) ) \
Respondent.	<i>)</i> ) )

**THIS MATTER** is before the Court on Petitioner's response to the Court's Order issued October 25, 2006.

Counsel advises that exhaustion of the Petitioner's state court claims remain incomplete at this time, the North Carolina Supreme Court has not yet issued a ruling on the Petitioner' motion for appropriate relief.

Response to Order, filed December 20, 2006, at 2-3. While the Court will not dismiss this action, it will direct the Clerk to administratively close the case, thereby removing it from the Court's active docket.

IT IS, THEREFORE, ORDERED that the Clerk administratively close this action and remove it from the Court's active docket.

IT IS FURTHER ORDERED that counsel for the Petitioner file a report with the Court providing the status of the collateral proceedings that remain pending in the state courts on or before **JUNE 28, 2007**. Upon receipt of a final ruling from the state courts, counsel for the Petitioner may move to reopen this action.

Signed: December 28, 2006

Lacy H. Thornburg

United States District Judge